

Minutes – Cmte on Gen'l Gov't – 02-16-2021

1. Minutes of Dec. 3, 2020, adopted by a vote of 3-0.
2. Order 240
 - a. Mayor explained origin
 - b. Cllr. Tontar had a question about flags at half-staff
3. (COTW) Reappointment of KP Law as City Solicitor
 - a. Cllr. Devlin
 - i. Comparable clients and their legal budgets. Reich: Watertown, Amesbury, Plymouth
 - ii. Can you assign a lawyer to Licensing Board? Reich: Yes, but at an hourly cost.
 - iii. Can you help draft legislation? Reich: Yes. Some staff, especially in towns, can be “rogue” vis-à-vis local legislative body. Better to coordinate through Mayor and City Council President
 - iv. How many KP Law clients are cities? Reich: Fewer than one dozen, but many cities (e.g. Newton and Cambridge) have their own law departments.
 - v. How do you reconcile conflicts amongst city agencies? Reich: It does come up occasionally, and we discussed this last year before this committee. We try very hard to be policy-neutral, and we advise the “city as a whole” on law alone. If there is a difference opinion, we try to facilitate discussion between the two. It is rare that the city solicitor feels compromised and needs outside counsel.
 - vi. How could you and we do better? Reich: Should meet more than once yearly when reappointment is up. Need to call in more often to talk.
 - b. Cllr. Connell
 - i. You are aware of some of the conflict in past years over the operation of our ZBA, aggressive legal counsel of applicants. How many of those 140 municipalities that KP Law represents have counsel present for ZBAs? Reich: Mandating presence of city solicitor does not mean board must listen. We certainly do not want to be “weaponized.” Fairly rare to have counsel at every ZBA meeting. For example, does not happen in Watertown. On the other hand, some towns ask KP Law to write every decision by a ZBA.
 - ii. Could we get a different hourly rate if we have KP Law at meetings regularly? Reich: We might need a retainer for that, and we would work on the hourly rate so it is not staggering.
 - c. Cllr. Tontar
 - i. Exceptional service from Attorney Goldberg to special committee on charter reform.
 - ii. Criticism of KP Law for failure to return a detailed memorandum regarding legality of non-funding of city councillors’ salary. Failure to get an acknowledgement from KP Law that they were working on it. Attorney Goldberg said she would get back to us within a few days, in January, and still no news back from KP Law, and now 18 days have passed. What’s going on here? Reich: I thought I had given more than one response on this issue, including Holyoke case cited by Finance Director Ethan Manning. Attorney Goldberg was

contacted but Attorney Reich was not copied on it. Unfortunately, Attorney Goldberg has been otherwise engaged with personal matters (COVID-19).

iii. Models at Merrimack College included an on-staff attorney, then went to an outside firm that covers many higher-education institutions, then went to two internal lawyers and also has firms to go to outside. Do you have contracts like that, i.e. a city solicitor and then have KP Law on call as needed? Reich: I don't recommend these contracts because it is not needed under procurement laws, and we serve at your pleasure. We believe that KP Law is preventative of cost. City of Everett had in-house counsel, and then went out to KP Law as needed, but Attorney Reich found that a two-lawyer office was not cost-effective.

d. Cllr. Zeid:

i. Expenditures by category: employment; land use, etc.? Reich: Certainly, our invoices break down work into "matters."

ii. You seem to have more intimacy with their day-to-day issues. How, mechanically, does KP Law refine legislation? Reich: You don't want us involved in all the many, many hours of debate. Got our comments early on.

iii. Mayor Holaday

1. I am not sure we could have done better for a city solicitor.

2. So many areas in which I am grateful, in particular their labor law advice is valuable. Darren Klein has been an incredible resource for us.

3. Challenges due to amount of work that come out of our Office of Planning & Development. Atty. Jonathan Eichman's opinions have been well received, and he has attended some board meetings as Plng. Director Port has asked, at times.

4. Has talked to other municipal executives and law has changed dramatically and nowadays firm must have all the expertise needed.

5. At times we do seek outside counsel, such as Rubin & Rudman for

4. (COTW) Annual Litigation Report, motion to report out to Full Council for proposed executive session at end of Feb. 22 regular calendar. Passed 2-1, with Cllr. Devlin recused.

5. Motion to Adjourn passed 2-0, with Cllr. Devlin absent (due to recusal on previous item).